

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID B. NEWMAN and IRA F/B/O :
DAVID NEWMAN- PERSHING LLC as :
Custodian, on behalf of themselves and all :
Others Similarly Situated, and Derivatively on :
behalf of FM LOW VOLATILITY FUND, :
L.P., :
Plaintiffs, : 1:08-cv-11215 (LBS)
v. : ECF Case
FAMILY MANAGEMENT CORPORATION; : Oral Argument Requested
SEYMOUR W. ZISES; ANDREA L. :
TESSLER; ANDOVER ASSOCIATES LLC I; :
ANDOVER ASSOCIATES MANAGEMENT :
CORP.; BEACON ASSOCIATES LLC I; :
BEACON ASSOCIATES MANAGEMENT :
CORP.; JOEL DANZIGER, HARRIS :
MARKHOFF; IVY ASSET MANAGEMENT :
CORP.; THE BANK OF NEW YORK :
MELLON CORPORATION; MAXAM :
ABSOLUTE RETURN FUND, LP; MAXAM :
CAPITAL MANAGEMENT LLC; MAXAM :
CAPITAL GP, LLC; MAXAM CAPITAL :
MANAGEMENT LIMITED; SANDRA :
MANZKE; and JOHN DOES 1-100, :
Defendants, : **CERTIFICATE OF SERVICE**
and FM LOW VOLATILITY FUND, L.P., :
Nominal Defendant. :
x

I, Jonathan D. Cogan, hereby certify that on December 17, 2010, I caused the following documents to be electronically filed:

MEMORANDUM OF LAW IN SUPPORT OF MAXAM CAPITAL MANAGEMENT LLC, MAXAM CAPITAL GP LLC, MAXAM CAPITAL MANAGEMENT LIMITED, AND SANDRA MANZKE'S OPPOSITION TO PLAINTIFFS' MOTION TO ALTER OR AMEND THE JUDGMENT AND TO AMEND THE COMPLAINT

DECLARATION OF CARRIE A. TENDLER IN SUPPORT OF MAXAM CAPITAL MANAGEMENT LLC, MAXAM CAPITAL GP LLC, MAXAM CAPITAL MANAGEMENT LIMITED AND SANDRA MANZKE'S OPPOSITION TO PLAINTIFFS' MOTION TO ALTER OR AMEND THE JUDGMENT AND TO AMEND THE COMPLAINT

with the Clerk of Court using the CM/ECF system, which will send notification of such filing electronically to registered counsel. Pursuant to that notification, a true and exact copy of the foregoing will also be mailed by Federal Express overnight delivery to any party or counsel not receiving electronic service from CM/ECF.

Dated: New York, New York
December 17, 2010

KOBRE & KIM LLP

s/ Jonathan D. Cogan

Jonathan D. Cogan
(jonathan.cogan@kobrekim.com)
800 Third Avenue
New York, New York 10022
Telephone: +1 212 488 1200
Facsimile: +1 212 488 1220

Attorneys for the MAXAM Capital Management LLC, MAXAM Capital GP LLC, MAXAM Capital Management Limited, and Sandra Manzke

To: All Counsel of Record